

REMARKS

The present application has been reviewed in light of the Office Action dated June 10, 2009. Claims 1, 3, 5, 6, and 9-11 are presented for examination, of which Claims 1 and 9 are in independent form. Claims 1 and 9 have been amended to define aspects of Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1, 3, 5, 6, and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,578,808 (*Taylor*) in view of U.S. Patent Appln. Pub. No. 2004/0044627 (*Russell et al.*), and further in view of U.S. Patent No. 6,880,037 (*Boyer*). Applicants respectfully traverse these rejections and submit that independent Claims 1 and 9, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

I. *Taylor* Does Not Teach "Distinct Access Authentication Protocols"

Amended independent Claim 1 recites, in part, "wherein the first method of authentication and the second method of authentication . . . each include a distinct access authentication protocol defined by the first data set owner and the second data set owner, respectively," (emphasis added). As best understood by Applicants, *Taylor* does not teach or reasonably suggest distinct access authentication protocols for each data set owner.

Taylor relates to a multi-application data card that substitutes for multiple single-application data cards. Each application on the data card contains multiple data fields, where each issuer can only access fields associated with their application, and cannot access fields associated with applications of other issuers. In stark contrast to utilizing a distinct access

authentication protocol, *Taylor* employs the exact same access authentication protocol for each issuer that attempts to access the data card.

Particularly, in *Taylor*, each vendor or other card issuer must enter a proper “Vendor Access Code” to access the respective data fields owned by the particular vendor or card issuer. *Taylor*, Col. 6, lines 23-28. *Taylor* states a “Vendor Access Code . . . is a code whereby each vendor or other card issuer can have access to the parts of the-record required for the transaction facilitated by that vendor (issuer) while denying to other vendors (issuers) and third parties generally access to certain confidential parts of the record.” *Id.*

Accordingly, *Taylor* lacks a teaching or reasonable suggestion of the newly recited “distinct access authentication protocol,” much less any teaching or reasonable suggestion of “a distinct access authentication protocol defined by the first data set owner and the second data set owner, respectively,” as recited by amended Claim 1 (emphasis added).

II. *Taylor* Does Not Teach “Add[ing] [or] Remov[ing] . . . a Static Field of [a Data Set] Format” By the Data Set Owner

Amended independent Claim 1 recites, in part, “wherein, after authentication of the first data set owner using the respective distinct access authentication protocol defined by the first data set owner, the first data set owner is provided access rights to the first data set, at least one access right including authorization to at least one of add and remove a static field of the first format, and wherein, after authentication of the second data set owner using the respective distinct access authentication protocol defined by the second data set owner, the second data set owner is provided access rights to the second data set, at least one access right including authorization to at least one of add and remove a static field of the second format,” (emphasis added).

As best understood by Applicants, in *Taylor*, each application on the data card contains multiple data fields defined by an application record. *Taylor* states that a typical application record includes “seven columns, with respective headings ‘Card Issuer,’ ‘Application Code,’ ‘PIN Number,’ ‘Vendor Access Code,’ ‘Account Number,’ ‘Expiration Date,’ and ‘Miscellaneous Data.’” Nothing has been found in *Taylor* to teach or reasonably suggest that existing application records can be dynamically changed to add or delete static fields by the application vendor or issuer.

Furthermore, looking beyond *Taylor*’s application record features, nothing in *Taylor* as a whole has been found to teach, reasonably suggest, or even allude to dynamically adding or removing static fields of a particular format. Accordingly, Applicants respectfully submit that *Taylor* lacks any teaching or reasonable suggestion of the “authentication” and “access right” features quoted above from amended Claim 1.

III. *Russell et al. and Boyer* Fail to Remedy *Taylor*’s Deficiencies

A review of *Russell et al.* and *Boyer* has also failed to reveal anything that, in Applicants’ opinion, would remedy the above mentioned deficiencies of *Taylor* as applied against the claims herein.

For at least these reasons, Applicants submit that the Office can not sufficiently establish a *prima facie* case of obviousness against amended Claim 1 in view of *Taylor*, *Russell et al.*, and *Boyer*, and that the claim is clearly patentable over that cited art, whether considered separately or in combination. Accordingly, the rejection of Claim 1 is deemed obviated, and its withdrawal is respectfully requested.

Independent Claim 9 recites features that are similar in many relevant respects to one or more of the features of Claim 1 emphasized above, and also is believed to be patentable over the above references for the same corresponding reasons given above with respect to those corresponding features.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable over those references for at least the same reasons as are those independent claims. Because each dependent claim also is deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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FCIS_WS 3865328.1.DOC